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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/621,153
Filing Date: July 15, 2003
Appellant(s): YOUNG, JOEL K.

Paul Urbanski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 4, 2009 appealing from the Office action mailed March 4, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 10/621,227: Notice of Appeal filed May 12, 2009; Appeal Brief filed July 9, 2009.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0028208	Ellis et al.	2-2005
2002/0007485	Rodriguez et al.	1-2002
2003/0135857	Pendakur et al.	7-2003
2003/0056217	Brooks	3-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims.

A. Claim Rejections – 35 USC § 102

Claims 25 and 27-36 are rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent Application Publication No. 2002/0138641 by Taylor et al. (“Taylor”).

Claim 25

Taylor discloses at least *a method of distributing video information, comprising:*

from a first network location (see at least FIG. 4, devices 420 and 425), configuring a playlist of video files (see at least FIG. 5), the video files being stored in at least one second network location (see at least FIG. 4, devices 405, 410, 415) connected to the first network location via the network (see at least FIG. 4, Internet) and the playlist configured in a third location, wherein the playlist is configured at least in part by logging into the third location with a web browser (see at least FIG. 4, device 300; it is noted that when the Microsoft® Windows Media Player is launched, the www.windwsmmedia.com page is displayed in the Windows Media Player interface and wherein a user can configure a playlist by clicking on the button “Library” on the menu bar); and

from a third network location (see at least FIG. 4, device 300), connected to the first and second network locations via the network, executing the playlist (see at least FIG. 6; [0035]; e.g., Microsoft WINDOWS MEDIA™ player – WMP -- or RealNetworks® media player), including:

pulling video content associated with two or more video files from the second network location over the network according to the playlist (see at least FIG. 6, steps 635 and 640);

translating the video content at the third network location into a video output signal suitable for display (see at least FIG. 6, step 645).

executing logical actions included in the playlist, wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist (see at least [0040]; e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server).

Claim 26 (canceled)

Claim 27

Taylor further teaches:

wherein executing logic actions includes the third location receiving external inputs that are mapped into application specific commands (see at least FIG. 6; [0035]; e.g., Microsoft WINDOWS MEDIA™ player or RealNetworks® media player).

Claim 28

Taylor further teaches:

wherein executing logic actions includes the third location receiving logic actions from the first location (see at least [0035-0040]).

Claim 29

Taylor further teaches:

wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0035-0040]; e.g., WINDOWS MEDIA™ player or RealNetworks® media player, which inherently contain the claimed features – in WINDOWS XP™, click on Start then hover the mouse over “All Programs” and “WINDOWS MEDIA™ player” or “RealNetworks®” and select the player to display the interface which shows the claimed features).

Claim 30

Taylor further teaches:

wherein the first network location includes a web client (see at least FIG. 4, device 420).

Claim 31

Taylor further teaches:

wherein the second network location includes a video file server (see at least FIG. 4, devices 405, 410, 415).

Claim 32

Taylor further teaches:

wherein the third location includes a media server (see at least FIG. 4, device 300 which can be a media server in a home network).

Claim 33

Taylor further teaches *wherein the first network location includes a computer and configuring a playlist includes:*

downloading an existing playlist from the media server at the third location to the computer (see at least FIG. 6, steps 610 and 615; e.g., the proxy server which is a computer with associated software receives a play list from the

client computer – cf. [0037]);

editing the playlist (see at least FIG. 6; step 615); and

uploading the edited playlist from the computer to the media server (see at least FIG. 6, step 620).

Claim 34

Taylor discloses at least *a system* (see at least FIG. 4), *comprising:*

at least one video file server, the video file server including a number of video files, each video file including video content to be selectively displayed (see at least FIG. 4, servers 405, 410, 415);

a plurality of media servers communicatively coupled to the video file server over a network, each media server communicatively coupled to at least one video display (see at least FIG. 4, server 300; although only one is shown, it is well known in the art that there are more than one connected to the Internet or one can serve as a server for a plurality of computers in a home network);

a web client to communicate with each media server through the network to configure a playlist on each media server at least in part by logging into the media server with a web browser (see at least FIG. 4; device 300 using the Microsoft® Windows Media Player; it is noted that when the Microsoft® Windows Media Player is launched, the www.windowsmedia.com page is displayed in the Windows Media Player interface and wherein a user can configure a playlist by clicking on the button “Library” on the menu bar), *each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist* (see below).

wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist (see at least [0040]; e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – `mediaClip1.ref` -- to indicate that the `MediaClip1.clp` should be retrieved from the media content server).

each media server (see at least FIG. 4, server 300) *configured to*

execute the playlist to control video content on the video display (see at least FIG. 6, step 645; e.g., plays media):

pull video content over the network from two or more video files according to the playlist (see at least FIG. 6, steps 635 and 640); and convert the pulled video content into a video output signal suitable for display on the video display (see at least FIG. 6, step 645), as a function of the logical actions in the playlist (see the motivational statement above).

Claim 35

Taylor further discloses:

including a plurality of video file servers (see at least FIG. 4, servers 405, 410, 415) communicatively coupled to the network, wherein a media file server is configured to pull video content over the network (see at least FIG. 4, server 420; it is noted that the claimed “media file server” is interpreted to be different than the claimed “media server”) from more than one video file server according to a video file server identifier included in the playlist (see at least FIG. 5).

Claim 36

Taylor further discloses *wherein the web client is configured to access the playlist on a media server interactively while the playlist is executing (see at least FIG. 4, step 640; e.g., dynamic media selection process).*

B. Claim Rejections - 35 USC § 103

1. Claims 1, 7-9, 14-18, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/0138641 by Taylor et al. (“Taylor”).

Claim 1

Ellis teaches:

*a system (Figures 2a and 27), comprising:
at least one video display (Fig. 3 Element 36);
at least one video file server (Fig. 27 Elem. 242, also Paragraphs [0182]*

and [0184]), *each video file server including a number of video files* (Video file servers are well known in the art to store video content within video files), *each video file including video content to be selectively displayed on the at least one video display* (Par. [0130] Lines 1-6 teaches ordering pay-per-view video, which is selectively displayed video content);

at least one media server connected to the video file server, each media server to communicate with one or more of the at least one video display (see at least Fig. 3, Elem. 28 and Fig. 27, Elem. 248; also [0080], Lines 6-11; and [0085], Lines 1-11);

a web client to communicate with each media server through the network (Fig. 2a Elem. 24, and [0094], Lines 1-8).

Ellis does not teach the remaining features of the claim. However, in an analogous art, Taylor discloses:

to configure at least one playlist in the media server using a web browser (see at least FIG. 6, step 610; it is noted that when the Microsoft® Windows Media Player is launched, the www.windiwsmmedia.com page is displayed in the Windows Media Player interface and wherein a user can configure a playlist by clicking on the button “Library” on the menu bar), *each playlist including a list of identifiers of video content in the video file server* (see at least FIG. 5; e.g., file1.clp at location <http://www.media.com/> and Clip Information) *and logical actions related to playing the playlist* (see at least [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server); *and*

each media server configured to:

execute the playlist to control video content on the video display (see at least FIG. 6, step 645; e.g., plays media),

pull video content over the network from two or more video files according to the playlist, wherein the playlist includes at least one track, wherein the track includes an identifier to select one or more of the

number of the video files and includes at least one logical action related to playing the playlist (see at least FIG. 6, step 645; e.g., retrieves media from media content servers; [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref – to indicate that the MediaClip1.clp should be retrieved from the media content server), *and*

convert the pulled video content into a video output signal suitable for display as a function of the logical actions in the playlist (see at least FIG. 6, step 645; e.g., plays media according to the order of file clips in the Metafile).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or TV programs or movies to be played back in the order specified by the user, thereby enhancing the user's interactive TV experience.

Claim 2 (canceled)

Claim 7

Ellis-Taylor further teaches:

the logical actions further include a timed duration of playing the files (Ellis; see at least [0101], Lines 14-22).

Claim 8

Ellis-Taylor further teaches:

the logical actions further include a time to initiate playing the files (Ellis, see at least [0101], Lines 14-22; note scheduling programs for play back involves setting an initiation time).

Claim 9

Ellis-Taylor further teaches:

the logical actions further include a time to terminate playing the files (Ellis; see at least [0101], Lines 14-22; note scheduling programs for play back involves setting a termination time).

Claim 14

Ellis-Taylor further teaches:

the video file further includes audio content (Ellis; see at least [0189], Lines 1-9).

Claim 15

Ellis-Taylor further discloses:

the video content includes any combination from the set of Power Point, J-Peg, Video Clip, or Web formats (Ellis; see at least [0184]).

Claim 16

Ellis teaches:

A media server (Fig. 3 Elem. 28 and Fig. 27 Elem. 248; also [0080] Lines 6-11, and [0085] Lines 1-11), comprising:

a memory to store (Fig. 3 Elem. 31 and [0083]); *and*

a processor executing software to retrieve and playback the video content (see at least FIG. 4, component 42).

Ellis does not teach the remaining features of the claim.

However, in an analogous art, Taylor discloses:

at least one playlist (see at least FIG. 5), *each playlist including:*

a list of identifiers for video files, each video file including video content to be selectively displayed on at least on a video display, wherein an identifier is included in a track (see at least [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers –

mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server);

a file server location of the video file (see at least FIG. 5; e.g., file1.clp at location <http://www.media.com/> and Clip Information); and

logical actions related to playing the selected video content (see at least FIG. 5; e.g., the order of the clips in the Metafile; and FIG. 6, loop from block 625 to 645) and

to execute the playlist and retrieve the selected video content from two or more video files over a network according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display as a function of the logical action in the playlist (see at least FIG. 5; and FIG. 6, loop from block 625 to 645);

wherein the logical actions include direct controls over the presentation of the video content, wherein at least one logical action is included in a track (see at least [0040], e.g., the claimed track is interpreted as a playlist played back using the WMP, wherein the playlist includes identifiers – mediaClip1.ref -- to indicate that the MediaClip1.clp should be retrieved from the media content server).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or TV programs or movies to be played back in the order specified by the user, thereby enhancing the user's interactive TV experience.

Claim 17

Ellis-Taylor further teaches:

wherein the processor executes the at least one playlist based on the logical actions (Taylor; see at least FIG. 5; e.g., the order of the clips in the Metafile) *and wherein the logical actions depend in part on inputs external to the media server* (Ellis; see at least [0018]).

Claim 18

Ellis-Taylor further teaches:

wherein the inputs external to the media server are mapped into application specific commands depending on the format of the video file (Ellis; see at least [0020] and [0176]; note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server.)

Claim 23

Ellis-Taylor further teaches:

wherein the at least one playlist is stored on the media server (Ellis; see at least [0082], Lines 1-3 and [0083], Lines 1-3).

Claim 24

Ellis-Taylor further teaches:

wherein the media server includes a memory capable of storing a video file (Ellis; see at least Fig. 3 Elem. 31; [0083], Lines 1-3 and [0085], Lines 12-17).

2. Claims 10, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), and further in view of U.S. Patent Application Publication No. 2002/0007485 by Rodriguez (U.S. Application 09/947,890).

Claim 10

Ellis-Taylor does not specifically disclose:

the logical actions further include a number of times to play the files.

However, in an analogous art, Rodriguez teaches the above feature (see at least Fig. 11 Elements 111, 112, 113, 115; and Par. [0051]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the above feature Rodriguez in the combination Ellis-Taylor because this would allow a user to repeat the playback of a favorite content as many times as the user would like to, thus enhancing the user's interactive TV experience.

Claim 19

Ellis-Taylor does not specifically disclose the feature recited in Claim 19.

However, in an analogous art, Rodriguez:

wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0052], Lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these commands taught by Rodriguez to the combination Ellis-Taylor because this would provide a user with all the commands needed to manage the playback of the video content, thereby enhancing the user's experience with interactive TV.

Claim 20

Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include messages received from the network (Ellis; see at least [0018]).

Claim 22

The combination Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include a prompt (Ellis; see at least [0127], Lines 1-12).

3. Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), and further in view of Pendakur (U.S. Application 10/044,544).

Claim 3

Ellis-Taylor does not explicitly teach the claimed feature.

However, in an analogous art, Pendakur teaches:

the logical actions execute in the media server as a decision tree (see at least Fig. 9; [0059] and [0060]).

It would have been obvious to one having ordinary skill in the art at the time of invention to execute the playlist as a decision tree as taught by Pendakur within the media server taught by the combination Ellis-Taylor.

The motivation would have been to allow the logic actions to dictate the execution of the playlist.

Claim 4

Ellis-Taylor-Pendakur further teaches:

the media server executes the at least one playlist based on the logical actions (Ellis; logical actions such as parental control settings as taught in [0107], lines 6-15, are understood by those of ordinary skill in the art to block specific content in the playlist; hence the playlist is executed with respect to logical actions), and wherein the logical actions are configured at least in part by the web client ([0107]).

Claim 5

Ellis-Taylor-Pendakur further teaches:

the logical actions are configured at least in part in real time by a user using the web client (Ellis; see at least [0018], note remotely sending a message and blocking currently displayed video content on the playlist is an explicit example of real time configuration).

Claim 6

Ellis-Taylor-Pendakur further teaches:

logical actions further include inputs external to the media server (Ellis; see at least [0018] and [0107]).

Claim 11

Ellis-Taylor-Pendakur further teaches:

the inputs external to the media server are mapped into application specific commands according to the format of the video file (Ellis; see at least [0020] and [0176], note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server).

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), further in view of Pendakur (U.S. Application 10/044,544) and further in view of Brooks (U.S. Application 09/956,688).

Claim 12

Ellis-Taylor-Pendakur does not teach the feature recited in Claim 12.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include a motion sensor (see at least [0036]).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the motion sensor taught by Brooks within the video system taught by the combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine the presence of any viewers; this would enable the media server to power-down and save energy if no viewers were watching video programming.

Claim 13

The combination Ellis-Taylor-Pendakur does not teach the feature recited in Claim 13.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include a proximity sensor (see at least [0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity sensor taught by Brooks within the video system taught by the combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view video programming.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), further in view of U.S. Patent Application Publication No. 2002/0007485 by Rodriguez (U.S. Application 09/947,890), and further in view of Brooks (U.S. Application 09/956,688).

Claim 21

For Claim 21, the combination Ellis-Taylor-Rodriguez does not teach the feature recited in Claim 21.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include one of a proximity sensor and a motion sensor (see at least [0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity and motion sensors taught by Brooks within the video system taught by the combination Ellis-Taylor-Rodriguez.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view programming.

(10) Response to Argument

A) Rejections under 35 U.S.C. § 102(e)

Discussion of the Rejection of Claims 25 and 27-36 as Being Anticipated by

Taylor.

1. Taylor does not teach each and every element recited in, or incorporated into, these claims.

Claim 25

Claim Elements	Taylor's Equivalent Elements (FIG. 4)
First network location: web client	Proxy server 420 +Database 425
Second network location: video file server	Media content server 405/410/415
Third network location: media server	Client + WINDOWS MEDIA™ Player (WMP)

Before addressing Appellant's arguments, it is respectfully noted that the cited portions of Taylor in the Office action should be considered in the context of Taylor's invention which is illustrated in the flow diagram of FIG. 6. A user on client 300 uses a browser or a streaming media player (e.g., WINDOWS MEDIA™ player – WMP – or RealNetworks® media player) to request a play list of one or more audio/video files from proxy server 420 (step 610). Proxy server 420 constructs/builds an actual play list based on user preferences and sends the actual play list to the client (steps 615-620). When the WMP executes the actual play list received from proxy server 420, WMP is redirected to different media content servers (405/410/415) instead of proxy server 420 to retrieve the actual audio/video files (steps 640-645).

At page 12, 3rd paragraph of the brief, Appellant submitted that the reasoning of the Office action has the play list configured from the third location (the client) when a user logs in instead of from the first location (the proxy server) and thus, Taylor does not teach configuring a play list of video files from a first network location.

In response, it is respectfully noted that while Claim 25 requires "configuring a play list of video files from a first network location," Appellant's specification does not specifically define what task(s) or function(s) are included in the configuring step (see Appellant's specification, p. 8, line 28). Thus, the configuring step is broadly and reasonably interpreted to mean the constructing/building step of a play list based on user preferences by proxy server 420 (Taylor; see FIG. 6, steps 615-620; [0036], [0047]).

Therefore, Taylor does indeed anticipate the claimed “from a first network location, configuring a play list of video files.”

At page 12, 5th paragraph, Appellant submitted that Taylor only states that a request can be redirected to the media content server (the second location) from the proxy server 420 (the first location) (*see*, Taylor [0036]) and as such the third network location does not pull video from the second network location.

In response, Appellant’s attention is respectfully directed to the summary *supra* of Taylor’s invention (and steps 640-645), where it is shown that WMP does indeed pull the audio/video files directly from the media content server (second network location).

Claim 34

Claim Element	Taylor’s Equivalent Element
Video file server	Media content server
Media server	Client 300
Web client	Proxy server 420
Web browser	Web browser 314 [0035]
track	at least one audio/video file of a play list

At page 13, 3rd paragraph, Appellant submitted that Taylor states that a user (using client 300) uses a browser to connect to a media server, such as proxy server 420 (*see*, Taylor, [0035]). Thus, in Taylor, the user and browser are at the client 300 rather than connected via a network. Therefore, Taylor does not teach a web client

[configuring] a play list ... by logging into the media server through a network using a web browser and does not teach the structure recited in the claim.

In response, Appellant's attention is respectfully directed to FIG. 4 of Taylor which shows that proxy server 420 (i.e., the claimed "web client") is located remotely from the client 300 (i.e., the claimed "media server") via the Internet (i.e., the claimed "the network"). As discussed supra, proxy server 420 is used for constructing/building (i.e., the claimed "configure") an actual play list to be executed on the client 300.

Furthermore, as correctly pointed out by Appellant in the argument supra, a user uses client 300 (i.e., the claimed "logging into the media server") and browser 314 (i.e., the claimed "with a web browser") to connect to the proxy server. Therefore, contrary to Appellant's assertion, Taylor does indeed the structure recited in the claim.

At page 13, last paragraph, Appellant submitted that the Office action improperly read Taylor's proxy server onto the claimed media server because Taylor's proxy server is not configured to convert the pulled video content into a video output signal suitable for display on the video display as a function of the logical actions of the playlist as recited in Claim 34.

In response to Appellant's assertion, it is submitted that according to the table shown supra, Taylor's proxy server is read onto the claimed Web client and Taylor's client 300 is read onto the claimed media server. Since Taylor's client 300 embodies the WMP which converts the streaming media content into video signal for display on a television or monitor if the WMP receives a play command (see Taylor, [0051-0052]).

At page 14, 3rd-5th paragraphs, Appellant submitted that the playlist of Taylor does not include a track that includes an identifier and at least one logical action related to playing the playlist as recited in Claims 25 and 34.

In response to Appellant's arguments, it is noted that the position of the Office set forth in the Office action and later clarified in the advisory action is that the claimed playlist is anticipated by Taylor's playlist, an example of which is shown in FIG. 5. Taylor's playlist does include a track (e.g., one videopicture/song/media clip), wherein the track the track includes an identifier (media clip 1 or 2 or ..., 8) to select one or more of the number of the video files and includes at least one logical action relating to playing the playlist (e.g., retrieve media media clip 1 from <http://www.media.com/file1.clp>). This interpretation seems to meet Appellant's requirement of:

a track (see Appellant's specification, p. 4 line 11, "[t]he playlist 145 includes at least one track 220, or entry...");

an identifier to select one or more of the number of the video files (see Appellant's specification, p. 4, lines 12-13, "... includes an identifier 230 to select one or more video files 132 from the video file server 130."); and

logical action related to playing the list (see Appellant's specification, p. 14, lines 13-25, "... [t]he logical actions 240 related to the files include, but are not limited to, ... hyperlink ...").

Therefore, contrary to Appellant's assertion, Taylor does appear to anticipate the claim requirements of Claim 25 and 34.

B) Rejections under 35 U.S.C. § 103(a)

Discussion of the rejection of claims 1, 7-9, 14-18, and 23-24 under 35 U.S.C.

§ 103(a) as being obvious over Ellis in view of Taylor.

I. Ellis and Taylor do not describe every element of claims 1 and 16

At p. 18, 2nd and 3rd paragraphs, Appellant submitted that the Office action concedes that Ellis does not disclose the recited playlist and track, but states that the playlist and track are disclosed in Taylor because the claimed track is interpreted as a playlist played back using WMP, wherein the playlist includes identifiers. Appellant further asserted that the playlist in Taylor does not include a track as recited in the claims. Moreover, Appellant submitted that Appellant cannot find in Ellis with Taylor any disclosure teaching or suggestion of “a web client to communicate with each media server through the network to configure ...”

Since Appellant's arguments are the same as those presented in the discussion of the rejection of Claims 25 and 27-36 as being anticipated by Taylor above, the same response as set forth in A) is deemed applicable to Appellant's arguments herein.

At p. 18, last paragraph and p. 19, first paragraph, Appellant essentially submitted that Ellis does not teach or suggest a media server to execute a playlist to control video content on the video display, but instead relates to a program guide to play a program according to user input and that Taylor teaches that video content is played according to user input.

In response to Appellant's argument that Ellis does not teach or suggest a media server to control video content on a video display, it is noted that the Office action cites the system illustrated in FIGs. 2a and 27 as the claimed system of Claim 1 and 16. Ellis' system includes a set-top box – FIG. 27, device 248 -- that besides the function of providing a user access to interactive television program guide also provides that of playing a television program (see Ellis; [0080], "... User television equipment ... receives video and data from television distribution facility"). The latter function of Ellis's set-top box thus meets the claimed requirement of a media server to control video content on a video display. As for the claimed playlist, the Office action has determined that the playlist feature is neither taught nor suggested by Ellis (see Office action, p. 15) but is taught or suggested by Taylor (see Office action, p. 15).

At p. 19, in section *II*, Appellant essentially submitted that the playlist 505 of Taylor does not add anything to Ellis because the user of Ellis can only choose programs that are available. Thus, one of ordinary skill in the art at the time the present invention was made would not reasonably have been led to combine Ellis with Taylor.

In response to Appellant's argument regarding the ineffectiveness of combination Ellis-Taylor, it is respectfully noted that while Ellis without Taylor provides a user with the capability of choosing one television (TV) program at a time, Ellis with Taylor does enhance the user's interactive TV experience because with the use of Taylor, the user can choose more than one TV program at a time

without the user having the need to await the termination of one TV program in order to manually select another one. This enhanced capability would provide the user with the selection of TV programs in the order specified by her/him. Furthermore, Ellis's set-top box 248 and Taylor's client computer 300 is considered to be combinable because Ellis does suggest in [0088] that the functions of the set-top box may be integrated into a personal computer television (PC/TV). Moreover, Appellant submitted that since Ellis already provides a listing of available programs from which the user can choose and presumably, because the user can only choose programs that are available, the user selected play list of Taylor would not add anything to the system of Ellis, but would provide a list already provided by Ellis. In response to this argument, it should be noted that there are at least the following improvements over Ellis: first, the user can select more than one program available for selection; and second, the user can choose the play order of the selected programs.

Discussion of the rejection of claims 10, 19-20, and 22 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Taylor and further in view of Rodriguez.

I. Ellis, Taylor and Rodriguez do not describe every element of claims 1 and 16 incorporated into claims 10, 19-20, and 22.

At p. 20, section 3), subsection I., Appellant essentially submitted that Rodriguez does not teach or suggest the missing elements in claims 1 and 16.

In response, it is noted that since the missing elements in claims 1 and 16, i.e.,

a media server configured to execute [or store] the playlist ...and includes at least one logical action related to playing the playlist, are considered to be taught or suggested by Ellis-Taylor as discussed in *B*), subsection I. *supra*, Rodriguez has not been used to cure the above-mentioned deficiencies but rather to show the obviousness of the claimed feature of Claim 10 when Rodriguez is combined with Ellis-Taylor. See Office action, p. 19, Claim 10.

II. Ellis, Taylor and Rodriguez do not describe every element of Claim 10:

At p. 20, subsection II., Appellant essentially asserted that Rodriguez fails to teach or suggest *wherein the logical actions includes a number of times to play the files* because the cited portion of Rodriguez rather refers to a rental period selection screen 110 and not to a number of times to play the files in a playlist (see Rodriguez [0051]). Appellant further asserted that the number of times to play a video is up to a user and not determined by a logical action included in the playlist.

In response the above arguments, it is noted that the number of times to play a file is deemed taught in or at least suggested by Rodriguez (see FIG. 11, "single viewing" or "One Day" or "Two Day Viewing"). With the option "One Day" or "Two Day Viewing," a user can view the same movie more than once if the movies is scheduled to be available more than one time during one day or

two-day period. As for Appellant's argument that the number of times to play a video is up to a user and not logical action included in the playlist, it is understood that Taylor gives a user the capability of configuring a playlist (see discussion supra and in the Office action, Claims 1 and 16). With this capability, the user can thus incorporate the specification of the number of times as taught by Rodriguez in the playlist of FIG. 5 of Taylor.

Therefore, Ellis-Taylor-Rodriguez provides all the elements recited in dependent claims 10, 19-20 and 22 and renders these claims obvious.

Discussion of the rejection of claims 3-6 and 11 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Taylor and in further view of Pendakur.

I. Ellis, Taylor and Pendakur do not describe every element of claim 1 incorporated into claims 3-6 and 11.

At p. 21, section 4), subsection I., Appellant essentially submitted that Pendakur fails to teach or suggest the missing elements in claim 1.

In response, it is noted that since the missing elements in claim 1, i.e.,

a media server configured to execute [or store] the playlist ...and

includes at least one logical action related to playing the playlist,

are considered to be taught or suggested by Ellis-Taylor as discussed in B),

subsection I. supra, Pendakur has not been used to cure the above-mentioned deficiencies but rather to show the obviousness of the claimed feature of Claim 3-6 and 11 when Pendakur is combined with Ellis-Taylor. See Office action, pp. 21-22, Claims 3-6 and 11.

Discussion of the rejection of claims 12 and 13 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Taylor, in further view of Pendakur, and in further view of Brooks.

I. Ellis, Taylor, Pendakur and Brooks do not describe every element of claim 1 incorporated into claims 12 and 13.

At p. 21, section 5), subsection I., Appellant essentially submitted that Pendakur and Brooks fail to teach or suggest the missing elements in claim 1.

In response, it is noted that since the missing elements in claim 1, i.e.,
a media server configured to execute [or store] the playlist ...and includes at least one logical action related to playing the playlist,
are considered to be taught or suggested by Ellis-Taylor as discussed in B), subsection I. supra, Pendakur and Brooks have not been used to cure the above-mentioned deficiencies but rather to show the obviousness of the claimed feature of Claim 12 and 13 when Pendakur and Brooks are combined with Ellis-Taylor. See Office action, pp. 22-23, Claims 12 and 13.

Discussion of the rejection of claim 21 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Taylor, in further view of Rodriguez, and in further view of Brooks.

I. Ellis, Taylor, Rodriguez and Brooks do not describe every element of claim 16 incorporated into claim 21.

At p. 22, section 6), subsection I., Appellant essentially submitted that Pendakur and Brooks fail to teach or suggest the missing elements in claim 16.

In response, it is noted that since the missing elements in claim 16, i.e.,
*a media server configured to execute [or store] the playlist ...and
includes at least one logical action related to playing the playlist,*
are considered to be taught or suggested by Ellis-Taylor as discussed in *B*),
subsection I. supra, Pendakur and Brooks have not been used to cure the above-
mentioned deficiencies but rather to show the obviousness of the claimed feature of
Claim 21 when Pendakur and Brooks are combined with Ellis-Taylor. See Office action,
pp. 23-24, Claim 21.

In view of the foregoing discussion, the rejections of claims 25, 27-36, 1, 7-9, 14-18, 23-
24, 10, 19-20, 22, 3-6, 11, 12-13 and 21 are considered proper notwithstanding Appellant's
arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related
Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hoang-Vu Antony Nguyen-Ba/

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